



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/153,621	09/15/98	SMITH	R P-US-TN1444

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MMC2/0621

EXAMINER

DINH, T

ART UNIT	PAPER NUMBER
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2841

DATE MAILED:

06/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/153,621

Applicant(s)

SMITH, ROGER Q.

Examiner

Tuan T Dinh

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 1998.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) 7-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 1998 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
 2. ☐ received in Application No. (Series Code / Serial Number) _____.
 3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 18) ☒ Interview Summary (PTO-413) Paper No(s). 2.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction is one of the following invention is required under 35 U.S.C. 121:
 - I. Claims 1-6 and 15-20, drawn to audio equipment housing assembly, classified in class 361, subclass 814
 - II. Claims 7-14, drawn to method of manufacturing, classified in class 29, subclass 525.01+
2. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the protective bar can be made of plastic or polymer material instead of injection molding process.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Adan Ayala (Reg. No. 38,373) on June 12, 2000 a provisional election was made without traverse to prosecute the invention of invention of I, claims 1-6 and 15-20. Affirmation of this election must be made by applicant in replying to this Office action. Claims 7-14 are withdrawn from further

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consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Information Disclosure Statement

The information disclosure statement filed 12/9/1998 fails to comply with 37 CFR 1.98(a)(1), which requires a **list of all patents**, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the **audio circuitry**, claim 1, line 3 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Specification

The abstract of the disclosure is objected to because the applicant withdrew the method claims 7-14; therefore, in lines 9-10 would be delete. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (5,771,305).

As to claims 1, 6, and 15, Davis discloses an audio equipment and as shown in figures 1-9 comprising a housing (12) inherently containing a audio circuitry installed within the housing, and having first and second protective bars (shown in figure 4 nearby element 48 and 56a) connected to the housing, except for the protective bars are flexible. The relative term is flexibility in particular since virtually anything will flex if enough pressure is applied to it. –Fredman v. Harris-Hub Co., Inc. (DC NIII) 163 USPQ 397 (column 2, lines 57-61, column 3, lines 1-11, column 4, lines 52-62).

As to claim 2, Davis discloses an audio equipment as shown in figures 1, 4, 7 further comprising a handle (14) attached to the protective bars (column 3, lines 12-13).

As to claims 3-5 and 16, 18, Davis discloses an audio equipment as shown in figures 4 and 8 further comprising a connector assembly (10) flexibility connecting the protective bar to the housing, and also comprises a flexible gasket (60) that is disposed between the bar and housing are made of elastometer (column 2, lines 58-60).

As to claim 17, Davis discloses an audio equipment as shown in figure 8 wherein the receptacle assembly further comprises at least one retainer (66) disposed on the housing.

As to claims 19-20, Davis discloses an audio equipment which is well known in the art comprising a door for receiving a battery and connected to the housing, also, the door has a spring which is disposed to bias a battery in the receptacle assembly.

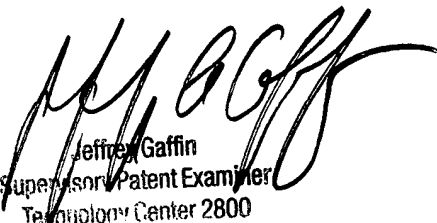
Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Oyamada, Azzoumi, Eggert et al, Schneider et al discloses related art.

12. Any inquiry concerning this communication or earlier communications from the examiner should be direct to Tuan Dinh whose telephone number is (703) 306-5856 or fax number (703) 305-3431. If attempts to reach the above noted examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeffrey Gaffin can be reached at (703) 308-3301.

Tuan Dinh

June, 2000.


Jeffrey Gaffin
Supervisor Patent Examiner
Technology Center 2800



①9 BUNDESREPUBLIK
DEUTSCHLAND



DEUTSCHES
PATENTAMT

⑫ Patentschrift
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G 12 B 9/02
G 01 D 11/24
H 05 K 5/02

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②2 Anmeldetag: 30. 6. 83
④3 Offenlegungstag: 10. 1. 85
④5 Veröffentlichungstag
der Patenterteilung: 26. 3. 92

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Innerhalb von 3 Monaten nach Veröffentlichung der Erteilung kann Einspruch erhoben werden.

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⑤6 Für die Beurteilung der Patentfähigkeit
in Betracht gezogene Druckschriften:
DE-GM 71 49 350
FR 21 09 035
GB 15 94 230

⑤4 Gehäuse für schwingungs- und stoßempfindliche Geräte

DE 33 23 624 C 2